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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,224	09/28/2001	Thomas Gilbert	D0932-00252	2826

7590

02/13/2003

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EXAMINER

NGUYEN, THUKHANH T

ART UNIT

PAPER NUMBER

1722

DATE MAILED: 02/13/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/967,224

Examiner

Thu Khanh T. Nguyen

Applicant(s)

GILBERT ET AL.

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SM

#4

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: the patent number of the application 09/190,038 should be inserted in the continuation information section.

Appropriate correction is required.

Claim Objections

2. Claim 20 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 16. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bosler (5,314,325) in view of Westcott et al (4,389,179) or ~~in view of~~ Westcott et al in view of Bosler.

2/10/13
PP
Bosler discloses an apparatus for continuous vacuum forming a sheet, comprising an extruder (40), a flexible rotating belt (18) with a resilience portion (22), an idle roller (14), a

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drive roller (16), a vacuum means (26) and a water-cooling means (34) for cooling a patterned portion of the sheet.

Bosler, however, fails to disclose a second forming and a water-cooling means and a cutting means, and hole-punching means.

Westcott et al disclose a sheet forming apparatus, comprising a plurality of heating stations (3, 7, 11), a plurality of forming stations (5, 9, 13) for forming different sections across the sheet, and a plurality of cooling stations (6, 10, 14) for forming each of those sections (col. 2, lines 56-64). In which the first (5) and third (13) forming stations reshape the right and left edges of the sheet, and each of those edge-forming station is engaged with water cooling means (6, 14; col. 6, lines 38-39). The apparatus further comprises an adjustable cutting means such as a rotary punch for cutting holes on the edge sections and for cutting the sheet into a desired length (col. 7, lines 27-39).

Westcott et al fail to disclose a flexible rotating belt with a resilient portion, an idle roller and a drive roller, and vacuum means.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Bosler by providing a second forming means and cooling means, a cutting means, and a hole-punching means as taught by Westcott et al, because the second forming and cooling means would produce different desired cross-sectional configurations or shape in the sheet, the cutting means would cut the product into a desired length, and the hole punching means would form nail holes on the edge of the sheet products for future use.

It would also have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify Westcott et al by providing a rotatable conveyor with a

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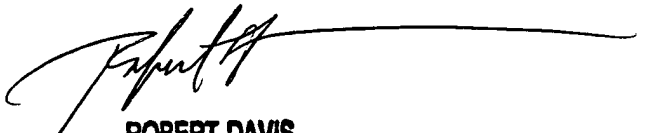
resilient portion, an idle roller, a driver roller and vacuum means as taught by Bosler, because the rotatable conveyor would support the sheet to prevent it from sagging down on the floor during the transportation of the sheet from one station to the others, wherein the driver roller would drive the conveyor to rotate around the idle roller, and the vacuum means would draw the sheet to the surface of the conveyor belt to emboss the sheet surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Khanh T. Nguyen whose telephone number is 703-305-7167. The examiner can normally be reached on Monday- Friday, 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

TN
February 7, 2003


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300
2/10/03